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December 26, 2024

**VIA ECF**

Hon. Arun Subramanian  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 15A  
New York, New York 10007

**Re: Onate v. AHRC Health Care, Inc.  
20-cv-08292-AS-JW**

Dear Judge Subramanian:

This firm represents the Defendant in the above-referenced action. The Defendant writes on behalf of all parties, pursuant to Section 3(E) of Your Honor's *Individual Practices in Civil Cases*, to respectfully request an extension of time to file motions for summary judgment and to exclude expert witnesses from January 31, 2025, to June 6, 2025. Should this extension be granted, the parties request that the deadline for oppositions and replies be extended to July 7, 2025, and August 4, 2025, respectively. In the alternative, the parties request a telephone or in-person conference to discuss the issues mentioned in this letter.

The parties respectfully submit that there is good cause for this extension that warrants Your Honor's consideration, even though the parties acknowledge that Your Honor previously ordered that "the Court will not grant any extensions, even if the parties choose to engage in mediation." See ECF Doc. 237. This extension is not related to mediation. This extension is requested because of an outstanding discovery dispute and the logistical hurdles involved with opt-in plaintiffs providing discovery responses. By Order dated October 23, 2023, the Court authorized Defendant to serve representative interrogatories on 56 randomly selected opt-ins and to depose 15 of those opt-ins. Defendant served demands on February 2, 2024. Due to various logistical issues, which involved the substitution of a number of opt-ins from the sample size over a period of months, Plaintiff served responses to those interrogatories on a rolling basis and completed the production of opt-in interrogatory responses on November 22, 2024. The parties are now scheduling opt-in depositions, which are currently due to be completed on January 22, 2024.

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Separate from the logistical difficulties concerning the opt-in interrogatory responses, there are outstanding discovery disputes, which are currently set to be resolved by Judge Willis at a discovery conference on February 5, 2025. *See* ECF Doc. 245-48. The issues to be discussed at that conference concern discovery potentially relevant to summary judgment motions and the exclusion of experts. However, the current deadline for such motion practice is scheduled to begin by Your Honor's order on January 31, 2025. *See* ECF Doc. 237.

We respectfully ask the Court to grant this request so the parties may resolve outstanding discovery disputes, have a reasonable opportunity to complete discovery, and file dispositive motions in accordance with the outcome of the upcoming February 5, 2025, conference. Given the challenge of completing all of these steps for a case of this size (which concerns thousands of class members) within the provided time period, the parties respectfully request an extension of time, or a conference to discuss these issues together with Your Honor's scheduling order concerning summary judgment and the exclusion of experts.

Plaintiff joins in this request. This is the first extension of this deadline. There are no additional fact discovery or expert discovery deadlines other than those discussed herein.

Thank you for Your Honor's consideration.

Respectfully submitted,  
CLIFTON BUDD & DeMARIA, LLP  
*Attorneys for Defendant*

By:   
Arthur J. Robb  
Ian-Paul A. Poulos

CC: All Counsel of Record

DENIED. The Court's review of the docket shows that despite the clear warning in July that the summary judgment schedule was firm (Dkt. 237), the parties did not move swiftly to resolve their issues. Nevertheless, the Court understands that the parties have presented several issues for disposition by Judge Willis. If the parties mutually consent to Judge Willis's jurisdiction over the entirety of this case, then they can sign the attached form by **December 31, 2024**. Judge Willis will then be in charge of the schedule looking forward, and she can decide whether to proceed on the current timetable or to adjust it. If not, then the parties should do what they need to do to proceed on the current timetable. (If the parties don't consent, they should NOT inform the Court who didn't consent.)

The Clerk of Court is respectfully directed to terminate the motion at Dkt. 249.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: December 27, 2024

# UNITED STATES DISTRICT COURT

for the

<i>Plaintiff</i> v.	)	
	)	
<i>Defendant</i>	)	Civil Action No.
	)	

## NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

*Notice of a magistrate judge's availability.* A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

*Consent to a magistrate judge's authority.* The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Printed names of parties and attorneys</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>

### Reference Order

**IT IS ORDERED:** This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: \_\_\_\_\_

\_\_\_\_\_  
*District Judge's signature*

\_\_\_\_\_  
*Printed name and title*

**Note:** Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.

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